

and transmit any part thereof to the court upon the court's order during the pendency of the appeal.

(d) *Request by attorney of record to review record.* When a case is on appeal, an attorney of record may request permission from the Board to sign out the record on appeal to review and copy, for a reasonable period of time, if the attorney is unable to gain access to the record from another source.

6101.38 Office of the Clerk of the Board [Rule 38].

(a) *Open for the filing of papers.* The Office of the Clerk shall receive all papers submitted for filing, and shall be open for this purpose from 8:00 a.m. to 4:30 p.m., Eastern Time, on each day that is not a Saturday, Sunday, Federal holiday, a day on which the Office is required to close earlier than 4:30 p.m., or a day on which the Office does not open at all, as in the case of inclement weather.

(b) *Decisions and orders.* The Office of the Clerk shall keep in such form and manner as the Board may prescribe a correct copy of each decision or order of the Board subject to review and any other order or decision which the Board may direct to be kept.

(c) *Docket.* The Office of the Clerk shall keep a docket on which shall be entered the title and nature of all cases brought before the Board, the names of the persons filing such cases, the names of the attorneys or other persons appearing for the parties, and a record of all proceedings.

(d) *Copies and certifications of papers.* Upon the request of any person, copies

of papers and documents in a case may be provided by the Office of the Clerk. If making such copies involves more than minimal costs to the Board, reimbursement will be required. When required, the Office of the Clerk will certify copies of papers and documents as a true record of the Board. Except as provided in 6101.23(c) and 6101.37(d), the Office of the Clerk will not release original records in its possession to any person.

6101.39 Seal of the Board [Rule 39].

The Seal of the Board shall be a circular boss, the center portion of which shall depict the Seal of the General Services Administration. The outer margin of the seal shall bear the legend "Board of Contract Appeals." The Seal shall be the means of authentication of all records, notices, orders, dismissals, opinions, subpoenas, and certificates issued by the Board.

6101.40 Forms [Rule 40].

The forms contained in the appendix to this part are sufficient under this part and are intended to indicate the simplicity and brevity of statement which this part contemplates. The subpoena form is a required form, and it may not be altered.

APPENDIX TO PART 6101—FORM NOS. 1–5

Form Index

Form 1—Notice of Appeal, GSA Form 2465
 Form 2—Notice of Appearance
 Form 3—Subpoena, GSA Form 9534
 Form 4—Government Certificate of Finality
 Form 5—Appellant/Protester/Intervenor/Applicant Certificate of Finality

GSA Board of Contract Appeals

Pt. 6101, App.

NOTICE OF APPEAL	DATE	OMB APPROVAL NO. 3090-0221
------------------	------	-------------------------------

TO: Board of Contract Appeals
General Services Administration
Washington, DC 20405

I/We hereby appeal the final decision of _____, issued _____,
(Name of Contracting Officer) (Date)

in connection with a dispute under Contract No. _____. This contract was awarded _____,
(Date)

for _____
(Type of commodity, service, or construction)

by _____,
(Name of agency and organizational unit) (City and State)

1. DESCRIBE THE NATURE OF THE DISPUTE INVOLVED IN THE FINAL DECISION AND ANY OTHER CIRCUMSTANCES GIVING RISE TO THIS APPEAL:

2. DESCRIBE THE RELIEF WHICH YOU SEEK INCLUDING AN ESTIMATE OF THE AMOUNT OF MONEY IN CONTROVERSY, IF ANY, AND IF KNOWN:

APPELLANT			ATTORNEY FOR APPELLANT		
NAME			NAME		
TITLE			FIRM		
STREET			STREET		
CITY			CITY		
STATE	ZIP CODE	TELEPHONE NUMBER	STATE	ZIP CODE	TELEPHONE NUMBER
		()			()
APPELLANT'S SIGNATURE			ATTORNEY'S SIGNATURE		

GENERAL SERVICES ADMINISTRATION

GSA FORM 2485 (REV. 6-85)

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

Form 2

_____	:	
_____	:	
_____	:	GSBCA _____
_____	:	
_____	:	
Contract/Solicitation No.	:	
_____	:	

NOTICE OF APPEARANCE

To: _____
Board Judge
Board of Contract Appeals

Please enter my appearance as counsel for / representative of

_____ in the above captioned case.

(Name) _____

Date _____

(Title) _____

(Phone) _____

(Address) _____

(Facsimile) _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appearance was mailed postage paid/delivered

this _____ day of _____, 19____, to _____

Signature

Note: This format shall not be printed, reproduced, or stocked by the Central Office or regional offices and shall be used only as a guide for individual preparation.

Board of Contract Appeals

General Services Administration
Washington, DC 20405

SUBPOENA	OMB APPROVAL NO. 3090-0221
-----------------	-------------------------------

GSCA _____

Contract/Solicitation No. _____

TO: _____

YOU ARE HEREBY COMMANDED to appear at _____

(Room Number)

(Building)

(Street Number)

(City)

(State)

at _____ o'clock _____ .m., on the _____ day of _____, 19 _____.

to testify at a (deposition/hearing) in this case; and to bring with you¹ _____

and to stay there until given permission to leave. This subpoena is issued at the request of (Appellant/Petitioner/Protester/Intervenor/Applicant/Respondent).

Your appearance as ordered by this subpoena will entitle you to receive the fees and mileage provided by 28 U.S.C. § 1821 or other applicable law.

¹ Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things. In which case the documents and things should be designated in the blank space provided for that purpose. If testimony by an organization representative or designee is requested, describe with reasonable particularity the matters on which examination is requested.

GENERAL SERVICES ADMINISTRATION

GSA FORM 9534 (Rev. 11-93)
Prescribed by BCA 2806.1

Upon written request to this Board by you or by a party to this case, which request should be made within 10 days after service but in any event no later than the time specified in the subpoena for attendance, the Board may (i) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (ii) require the party in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books, papers, documents, or tangible things.

_____ (Board Judge)	_____ (Date)
_____ (Representative for Appellant/Petitioner/Protester/ Intervenor/Applicant)	_____ (Representative for Respondent)
_____ (Address)	_____ (Address)
_____	_____
_____	_____
_____ (Telephone Number)	_____ (Telephone Number)
_____ (Date)	_____ (Date)

RETURN ON SERVICE

Summoned the above-named witness by delivering a copy to h____ and tendering to h____ the fees for one day's attendance and mileage allowed by law, on the _____ day of _____, 19____, at _____.

Subscribed and sworn to before me, a _____ this _____ day of _____, 19____.

NOTE: Affidavit not required if service is made by U.S. Marshall or Deputy. Service may also be made by any other person who is not a party and is not less than 18 years of age. Service shall be made by personally delivering a copy to the person named and tendering the fees for one day's attendance and the mileage allowed by law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

GSA FORM 9534 BACK (Rev. 11-93)

GSA Board of Contract Appeals

Pt. 6101, App.

FORM 4

Board of Contract Appeals, General Services
Administration, Washington, DC 20405

GSBCA _____

Contract/Solicitation No. _____

**GOVERNMENT CERTIFICATE OF
FINALITY**

A. Date claim(s) filed with the contracting
officer: _____

B. Amount to be paid: \$ _____

C. Agency address (regional office if other
than central office): _____

D. Agency Certification.

_____ hereby certifies that:

(1) it has not initiated and will not initiate
any proceeding at the Board for the reconsid-
eration of, or relief from, this award;

(2) it has not initiated and will not initiate
any appeal of this award to the United
States Court of Appeals for the Federal Cir-
cuit.

Date _____

Government Agency

By _____

Signature and Title

NOTE: This format shall not be printed, re-
produced, or stocked by the Central office or
regional offices and shall be used only as a
guide for individual preparation.

§ 6103.1

FORM 5

Board of Contract Appeals, General Services
Administration, Washington, DC 20405

GSBCA _____

Contract/Solicitation No. _____

APPELLANT/PROTESTER/INTERVENOR/ APPLICANT CERTIFICATE OF FINALITY

A. Address to which check should be sent
(if check is to be sent to counsel, enclose a
power of attorney):

B. Appellant/Protester/Intervenor/Applicant
Certification _____

hereby certifies that:

(1) it has not initiated and will not initiate
any proceeding at the Board for the reconsid-
eration of, or relief from, this award;

(2) it has not initiated and will not initiate
any appeal of this award to the United
States Court of Appeals for the Federal Cir-
cuit; and

(3) it agrees to accept the amount awarded,
plus any interest awarded, in accordance
with the Board's decision in this case, in full
and final satisfaction of its case.

Date _____

Appellant/Protester/Intervenor/Applicant

By _____

Signature and Title

NOTE: This format shall not be printed, re-
produced, or stocked by the Central office or
regional offices and shall be used only as a
guide for individual preparation.

[58 FR 69250, Dec. 30, 1993, as amended at 60
FR 17028, Apr. 4, 1995]

PART 6103—RULES OF PROCEDURE FOR TRANSPORTATION RATE CASES

Sec.

6103.1 Scope [Rule 301].

6103.2 Filing claims [Rule 302].

6103.3 Responses to claims [Rule 303].

6103.4 Reply to OTA and agency responses
[Rule 304].

6103.5 Proceedings [Rule 305].

6103.6 Decisions [Rule 306].

6103.7 Reconsideration of Board decision
[Rule 307].

6103.8 Payment of successful claims [Rule
308].

AUTHORITY: Sec. 211, Pub. L. 104-53, 109
Stat. 535; 31 U.S.C. 3726(g)(1); 41 U.S.C. 601-
613.

48 CFR Ch. 61 (10-1-96 Edition)

SOURCE: 61 FR 39097, July 26, 1996, unless
otherwise noted.

§ 6103.1 [Rule 301].

(a) *Authority.* Section 211 of the Leg-
islative Branch Appropriations Act,
1996, Public Law 104-53, transfers cer-
tain functions of the Comptroller Gen-
eral to the Director of the Office of
Management and Budget, and author-
izes the Director to delegate any of
those functions to another agency or
agencies. The Director has delegated
the function contained in 31 U.S.C.
3726(g)(1) to the Administrator of Gen-
eral Services, who has redelegated that
function to the General Services Ad-
ministration Board of Contract Ap-
peals.

(b) *Type of claim; review of claim.*
These procedures are applicable to the
review of claims made by a carrier or
freight forwarder pursuant to 31 U.S.C.
3726(g)(1). The Board will issue the final
agency decision on a claim based on
the information submitted by the
claimant, the General Services Admin-
istration Office of Transportation Au-
dits (OTA), and the department or
agency (the agency) for which the serv-
ices were provided. The burden is on
the claimant to establish the timeli-
ness of its claim, the liability of the
agency, and the claimant's right to
payment.

§ 6103.2 Filing claims [Rule 302]

(a) *Form.* A claim shall be in writing
and must be signed by the claimant or
by the claimant's attorney or author-
ized representative. No particular form
is required. The request should describe
the basis for the claim and state the
amount sought. The request should
also include:

(1) The name, address, telephone
number, and facsimile machine num-
ber, if available, of the claimant;

(2) The Government bill of lading or
Government transportation request
number;

(3) The claimant's bill number;

(4) The Government voucher number
and date of payment;

(5) The OTA claim number;

(6) The agency for which the services
were provided; and

(7) Any other identifying informa-
tion.